

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and discussion presented herein. The Applicant has carefully considered the Examiners' grounds for rejection of the pending claims, and traverses the rejection.

The Applicant believes that the case is in a condition for allowance. The Applicant also respectfully requests that the Examiner contact the Applicant's attorney by telephone if the next action on the merits will not be an allowance of all pending claims.

1. Rejection of Claims 1-19 and 25-44 under 35 U.S.C. §103(a).

Claims 1-19 and 25-44 were rejected under 35 U.S.C. §103 as being unpatentable over (U.S. Patent No. 5,764,908) to Shoji et al.

Claim 1. In support of the rejection of independent Claim 1 the Examiner has incorrectly considered Shoji et al. '908 to disclose a "database means for storing multimedia content records and associated references to media files for a multimedia presentation" and a "software engine means, executable on a computer, for seamlessly accessing a content record in said database means and displaying associated media elements referred to in that content record", which are elements recited in Applicant's independent Claim 1.

The teachings of Shoji et al. '908 are directed to a method of non-hierarchical programming that utilizes parameters passed cell-to-cell with cells containing programming and DNA (parametric data). Shoji et al. (col. 11, lines 57-58) describes the object of their method as being "*the architecture provides a flexible approach to build applications*". As an example of using this paradigm Shoji et al. describes manipulating graphics, video and sound objects - however, this is not according to the manner claimed by the Applicant and recited in Claim 1, and actually teaches away from that claim.

To understand Shoji et al. '908 one can first consider the title: "*Network System*"

Containing Program Modules Residing in Different Computers and Executing Commands without Return Results to Calling Modules". This generally indicates the thrust of the Shoji teachings - which attempts to assert a new programming paradigm wherein program modules in different computers execute commands without returning results to the calling modules. The teachings of Shoji et al '908 DO NOT in any way render obvious Applicant's Claim 1, as it is drawn to a different purpose, with different structures and functions than those disclosed within Applicant's claims.

A new method of creating a program is taught by Shoji et al., the effect of this paradigm is to eliminate the use of main loop programming, referred to in Shoji et al. as programming that has a "BOSS", see col. 8, lines 54-56:

"...some of the characteristics of a conventional architecture: (a) there is a controlling ("boss") program e.g. main program. (b) all the linkage information (e.g. return address and registers) needs to be preserved when one part of the program (a calling program such as main program 102 or some of the modules) transfers execution to another (the called program)...".

In contrast Shoji et al. '908 as recited in col. 10, lines 11-15 teaches "The architecture of the present system is called a "bossless" architecture because every program module is on equal footing with other program modules. There is no module that controls the overall operation of the program (i.e., no boss)." Shoji therefore teaches what attempts to be an egalitarian approach to program execution, wherein each of these so called "cells" is at the same level.

The Shoji et al. "Bossless architecture" directly teaches away from the present invention, which could perhaps be characterized as "more bossy" than conventional programming, ...if one were inclined to use such terminology, because Applicant's invention is a method of increasing the control of the "BOSS" over the playing of media content to reach seamless integration. Rather than allowing various display modules (or plug-ins) to control how they want to display elements in different file formats, the "more bossy" software engine of the Applicant directs "locating and displaying media elements referred to in the content record" (as recited in Claim 1) toward creating a seamless multimedia presentation.

It should be easily recognized that Shoji et al. describes fragmenting execution

further than conventional programming, such as current multimedia applications having a main control loop but which rely on different modules to “play” multimedia content. In further fragmenting execution, additional seams are formed between program cells, such as those which display media elements, thereby moving farther away from “seamless access” than is provided by present architectures. Consequently, it can be said that Shoji et al. '908 teaches away from seamless presentation (execution), which is a major focus of the present invention. The above lack of seamless access only adds to the problems with the rejection because elements are recited in Applicant's Claim 1 for which no corresponding mechanisms in the teachings of Shoji et al. have been shown.

It should not be surprising in view of the paradigm taught, that the Shoji et al. '908 reference fails in other regards to render Claim 1 obvious. Shoji et al. DOES NOT describe a “database means for storing multimedia content records and associated references to media files for a multimedia presentation” as recited in Claim 1. That the Shoji et al. reference describes an environment in which “...*the servers contain a large database of multimedia content*” (col. 3, lines 32-34 as recited by Examiner), is not a surprise as this is true of most networks, but does not in any way infer any obviousness.

Furthermore, the description of browsing described in col. 17, lines 32-35 and 55-58, along with FIG. 13 items 440 and 444, are merely descriptions of standard functionality, indicating that within Shoji et al. a path to a media file can be stored as a field in his program cells. Storing paths is not unique, and does not provide the information required for someone of ordinary skill to produce Applicant's invention as described by Claim 1 in view of Shoji et al. '908, or to fulfill the recited claim elements.

The modification suggestion itself for Claim 1 makes very little sense to the Applicant, but mentions “utilizing the using of the number of multimedia files to be located by searching as taught by Shoji...” which does not overcome the limitation of the Shoji et al. reference (even if a suggestion or motivation were available) toward supporting an obviousness rejection of Claim 1. As described above, the differences are many as Shoji et al. does not utilize “multimedia content records” stored in a “database” which are processed by a “software engine means” for “seamlessly accessing a content record in said database means and locating and displaying

associated media elements referred to in that content record.”

Ordered collections of multimedia elements have been known in the art for many years, and are commonly referred to as a “multimedia database”, but this is not what is described in Applicant’s Claim 1. A “database means” is described for “storing multimedia content records” having “associated references to media files for a multimedia presentation”. These content records are processed by the “software engine means” described in the second claim clause. The database in Applicant’s invention contains “multimedia content records”, which are processed by the “software engine means, executed on a computer for accessing a content record in said database means and seamlessly locating and displaying associated media elements referred to in that content record”. There is no database being processed by a software engine means within Shoji et al, wherein there is no support for the obviousness rejection against Claim 1.

Therefore, Shoji et al., which is the primary reference cited by the Examiner, does not teach those aspects of the Applicant's claims which the Examiner asserted the reference teaches. As such, the Applicant respectfully submits that Shoji et. al does not describe the elements of Applicants Claim 1, and as such does not support an obviousness rejection. Consequently, the rejection of Claim 1 as well as the claims that depend therefrom, should be immediately withdrawn and the patent allowed to issue.

It is the burden of the PTO to establish a prima facie case of obviousness when rejecting claims under 35 U.S.C. §103. In view of the elements of Claim 1 not being found within the referenced subject matter, the invention as a whole would not have been obvious to one of ordinary skill according to the requirements of 35 U.S.C. §103 and as directed by the MPEP, wherein the rejection must be withdrawn.

Nor does the Examiner demonstrate the existence of any logical incentive, suggestion or motivation to alter the teachings of Shoji et al., a reference that is sufficient in itself to accomplish its objectives, to the use of context records and a software engine means as recited in Claim 1 of the Applicant.

The most obvious of shortcomings of this rejection have been described, however, there exist a number of additional shortcomings which have not been addressed at any length, including: new principle of operation utilized, solved a different

problem, elements in references are not equivalent, unworkable combination, useless combination, impossible to combine, proposed combination renders reference unsuited for intended purpose, no need of element within references, unsuggested combination, no motivation to combine (obvious to try is not a standard of obviousness), invention to be considered as a whole, elements have long been available, and so forth. It should be appreciated that a shortfall in any one of these areas provides sufficient grounds for overcoming the obviousness rejection.

The Applicant therefore respectfully requests that the rejection of Claim 1 be withdrawn since the Shoji et al. '908 reference (i) operates under different principles of operation and toward a different objective, (ii) can not be modified to result in Applicant's invention as described by Claim 1, and (iii) does not teach, suggest or provide motivation or incentive for modifying Shoji et al. toward creating the subject matter of the rejected claim.

Furthermore, with regard to Claim 1 only, the Applicant respectfully reminds the Examiner that Claim 1 is written in means plus function format. Accordingly, under *In re Donaldson*, Claim 1 must be construed to means the structure described in the specification and its equivalents. When properly interpreted under *In re Donaldson*, Claim 1 clearly distinguishes over the cited reference of Shoji et al. '908 and that reference does not suggest, teach or provide motivation or incentive for the invention recited in Claim 1.

The Examiner has made no determination of the scope of the means plus function language based on the Applicant's specification or made a proper comparison under *In re Donaldson*. The Applicant respectfully traverses the grounds for rejection, and cites *In re Donaldson*, 16 F.3d 1189, 1193 (Fed. Cir. 1994)(en banc) as the basis for the traversal. Claim 1 is written in means plus function form pursuant to 35 U.S.C. §112, sixth paragraph, and therefore, must be interpreted during examination under *In re Donaldson*.

In rejecting Claim 1, the Examiner made no specific fact findings as to the scope of equivalents for the means plus function elements in the claim. Instead, the Examiner appears to have followed the provisions of MPEP § 2183 ("Making a Prima Facie Case of Equivalence"), which states:

If the examiner finds that a prior art element performs the function specified in the claim, and is not excluded by any explicit definition provided in the specification for an equivalent, the examiner should infer from that finding that the prior art element is an equivalent, and should then conclude that the claimed limitation is anticipated by the prior art element. The burden then shifts to applicant to show that the element shown in the prior art is not an equivalent of the structure ... disclosed in the application. *In re Mulder*, 716 F.2d 1542, 219 U.S.P.Q. 189 (Fed. Cir. 1983). No further analysis of equivalents is required of the examiner until applicant disagrees with the examiner's conclusion, and provides reasons why the prior art element should not be considered an equivalent.

While the Examiner appears to have followed the provisions of MPEP §2183, such provisions are contrary to Federal Circuit law. The Federal Circuit has held that an examiner "construing means-plus-function language in a claim must look to the specification and interpret that language in light of the corresponding structure ... described therein, and equivalents thereof," *In re Donaldson*, 16 F.3d 1189, 1193 (Fed. Cir. 1994)(en banc), and in so ruling expressly denied that "the PTO is exempt from this mandate." *Id.* The Federal Circuit added that it was specifically overruling any precedent that suggested or held to the contrary. *Id.* at 1193-94. In response to the PTO's argument that the court's ruling conflicted with the principle that a claim should be given its broadest reasonable interpretation during prosecution, the Federal Circuit held that the Donaldson decision was setting "a limit on how broadly the PTO may construe means-plus-function language under the rubric of 'reasonable interpretation.'" *Id.* at 1194. In other words, an examiner's claim interpretation is not "reasonable" if it is not based on the specification's description of the implementation of the means element of the claim. The court then said, "Accordingly, the PTO may not disregard the structure disclosed in the specification corresponding to such [means - plus - function] language when rendering a patentability determination. " *Id.* at 1195.

Here, as in *Donaldson*, the Examiner is required by statute to look to the Applicant's specification and construe the "means" language as referring to corresponding means disclosed in the specification and equivalents thereof." See *id.* at 1195. However, the Examiner did not construe the means language of these claims. Nor did the Examiner find, on the basis of specific facts of record here, that the means disclosed in the Applicant's specification were equivalent to that of the cited references.

Instead, as prescribed by MPEP §§ 2183-84, the Examiner simply presumed equivalence. The presumption methodology used here, which the MPEP prescribes, clearly conflicts with the requirements of the Federal Circuit's *Donaldson* decision. The approach taken by the Examiner in this case also conflicts with *In re Bond*, 931 F.2d 831 (Fed. Cir. 1990).

The very point of these cases is that, in this context, limitations from the specification control the interpretation of the claim. Under §112, paragraph 6, a means-plus-function element of a claim must be construed to mean that which is disclosed in the specification and its equivalents. In *Donaldson*, the Federal Circuit said that "our holding does not conflict with the general claim construction principle that limitations found only in the specification of a patent or patent application should not be imported or read into a claim." In other words, the court was saying that a §112, paragraph 6 "means" element does not need to be "imported or read into" a means-plus-function claim because the specification's limitations and their equivalents are already in the claim by virtue of §112, paragraph 6's command. Thus, the Federal Circuit said (16 F.3d at 1195): "What we are dealing with in this case is the construction of a limitation already in the claim in the form of a means-plus-function clause and a statutory mandate on how that clause must be construed."

Consequently, based on the foregoing, the Applicant respectfully submits that the rejection of Claim 1 lacks proper foundation and that the rejection should be withdrawn. Claim 1 should have been interpreted in view of the specification as required by *In re Donaldson*.

Claim 2: The rejection of independent Claim 2 closely follows that of Claim 1, and a similar lack of support exists for a *prima facie* case of obviousness. The arguments put forth traversing the rejection of Claim 1 can be generally applied to Claim 2. In particular, the content records of Applicant's invention can not be equated to the parameters of a cell as taught by Shoji et al. simply on the basis that they both can access multimedia content elements. It should be readily understood that each cell in Shoji et al. operates individually to access its own media content, wherein there is no support for either a software engine, or for performing of seamless accesses.

A lack of specificity exists with regard to modifying Shoji et al., while there is no motivation to modify Shoji et al. to change its principle of operation. Once again the description of modifications to Shoji et al. do not make any sense, but somehow involve searching, which in any case would not be sufficient to alter Shoji et al. to fulfill all elements recited in Applicant's Claim 2.

It is the burden of the PTO to establish a *prima facie* case of obviousness when rejecting claims under 35 U.S.C. §103. In view of the elements of Claim 2 not being found within the referenced subject matter, the invention as a whole would not have been obvious to one of ordinary skill according to the requirements of 35 U.S.C. §103 and as directed by the MPEP, wherein the rejection must be withdrawn.

Applicant respectfully requests that the rejection of Claim 2 be withdrawn because no support exists for a *prima facie* case of obvious against Claim 2.

Claim 3: The rejection of independent Claim 3 is similar to that of claims 1 and 2, and similarly lacks necessary support. The arguments put forth traversing the rejection of claims 1, 2 can be generally applied to claim 3. In particular, Shoji et al. fails to teach the use of content records as that term is known in Applicant's invention, while also failing to teach programming that provides for seamlessly accessing of those content records. As mentioned previously, Shoji et al. teaches away from the use of seamless multimedia in that it requires each cell to perform its own access and display of content, which leads to less integration than even conventional multimedia techniques currently in use. A lack of specificity exists in the proposed modification of Shoji et al., but it again appears to be centered on searching, which would not overcome the differences between Shoji et al. and Applicant's Claim 3.

Applicant respectfully requests that the rejection of Claim 3 be withdrawn because no support exists for making a *prima facie* case of obvious against Claim 3.

Claim 4. The rejection of independent Claim 4 is similar to that of claims 1 through 3, and similarly lacks necessary support. The arguments put forth traversing the rejection of claims 1, 2, and 3 can be generally applied to Claim 4. In particular, Shoji et al. fails to teach the use of content records as that term is known in Applicant's

invention, while also failing to teach instructions executable on a computer for seamlessly accessing of those content records. The proposed modification (for which no suggestion or motivation exists to propose the combination) does not make sense to the Applicant, and being apparently directed at "searching" would not fulfill the deficiencies in Shoji et al. toward elements recited in Claim 4.

Therefore, Shoji et al., which is the primary reference cited by the Examiner, does not teach those aspects of the Applicant's claims which the Examiner asserted the reference teaches, wherein a similar lack of support for the rejection exists. As such, Shoji et al. '908 does not obviate Claim 4, wherein this rejection should be immediately withdrawn.

Claim 5. The rejection of independent Claim 5 is similar to that of claims 1 through 4, and similarly lacks the necessary support required for making a *prima facie* case of obviousness. The arguments put forth traversing the rejection of claims 1 through 4 can be generally applied to Claim 5. In particular, Shoji et al. fails to teach the use of content records as that term is known in Applicant's invention, while also failing to teach a software delivery engine associated with the database of content records locating and displaying media elements as one seamless multimedia application. No simple modifications of Shoji et al. can correct these shortcomings, and certainly there is no suggestion, or motivation found in the reference or generally known in the art to make such changes.

Therefore, Applicant respectfully requests that the rejection of Claim 5 be immediately withdrawn.

Claim 6. The rejection of independent Claim 6 is similar to that of claims 1 through 5, and similarly fails to support the claim rejection. The arguments put forth traversing the rejection of claims 1 through 5 can be generally applied to Claim 6. In particular, Shoji et al. fails to teach the storage of multimedia content records, as that term is understood within Applicant's invention, within a database, and also does not describe a software engine which can seamlessly access the content records.

The modification proposed to Shoji et al. in the rejection does not remedy the shortcomings of the reference and is directed at searching for media files, which is a common function in browsers and other programming. The modification suggestion itself for Claim 6, does not appear to make much sense, which is also true for the modification suggestions found for Claims 1-5. In any case the modification does not resolve the shortcomings, and modifications which could resolve the shortcomings would still remain unworkable as they would then render the prior art unsatisfactory for its intended purpose (MPEP 2143.01) and would of necessity alter the principles of operation of the references (MPEP 2143.01). As a consequence, the obviousness rejection lacks support, as Shoji et al. '908 is completely at odds with the teachings of the present invention, using different methodologies to accomplish different purposes with different goals than that of the Applicant's invention as claimed in Claim 6.

As a result, there is nothing in the cited references from which one having ordinary skill in the art would find Applicant's Claims 6 or the claims that depend therefrom, to be obvious. A failure on any of these necessary aspects for an obviousness rejection are sufficient to traverse the rejection, it should be observed that the rejection fails in each of these regards, wherein the Applicant respectfully requests that the rejection of Claim 6 and claims with depend therefrom be withdrawn.

Claims 7 - 18. These claims depend from a variety of independent claims, although referred to in the section of the Office Action relating to Claim 6. These claims are not obvious in view of the Shoji et al. '908 reference as has been shown, wherein these dependent claims should *a fortiori* be considered allowable. However, it should also be recognized that the separate teachings of these claims has not been properly considered.

Claim 7 describes elements which are not met by the Shoji et al. reference. One glaring difference is that the Applicant describes the use of "custom tags" which are read by the software engine, a custom tag by its very nature is customized to the application, and therefore not a standard tag. In support of the rejection, the Examiner has referred to HTML "tag" references within Shoji et al. described at col. 1 lines 55-67, however these describe conventional HTML tags which are readable within a browser.

By contrast, the custom tags described are read by the software engine prior to passing the content page to an interface program for display.

Therefore, Claim 7 should be held *a fortiori* allowable based on the allowability of Claim 6. While Claim 7 also incorporates additional elements not described in the Shoji et al. reference. The rejection of Claim 7 should be immediately withdrawn.

Claim 8 describes additional aspects of the invention which are not met by the Shoji et al. reference. In the rejection it is stated that Shoji et al. describes creating "a temporary local copy of at least a portion of content page (col. 18, lines 5-16)", wherein it is said that "however, these copies are in reference to conventional multitask buffering within the MS Windows environment.

"The position of window 416 can be moved around using normal MS Windows methods (i.e., drag and drop). When a user clicks on icon 412 again, another window 418 of the second visual cell appears simultaneously with window 416. In this case, two copies of the second visual cell are loaded into the RAM, each is associated with the same DNA file."

The copy described by the Applicant in Claim 8 is that of at least a portion of the content page, not that of an application within the operating system. Furthermore, the content page can contain custom tags. It is apparent that the software engine can generate the temporary local copy of the content page in response to custom tags within the content record which are then seamlessly displayed by a display interface program.

Therefore, Claim 8 should be held *a fortiori* allowable based on the allowability of Claim 6, although it is not obvious in its own right since it describes aspects of the invention which are not taught in the Shoji et al. reference. The rejection of Claim 8 should be immediately withdrawn.

Claims 9,10. These claims depend from independent Claim 2, which has been shown to be allowable, and as such should be considered *a fortiori* allowable. it should however be appreciated that the teachings of claims 9, 10 further expand on the teachings of Claim 2 with elements that are not described in the Shoji et al. '908 reference. Specifically, Claim 9 describes the use of custom tags within the multimedia content records, describes the software engine, and describes the software engine reading the content record containing the custom tag. Claim 10 describes creating a

temporary local copy of the content pages for the multimedia content records (that Shoji et al. does not have). These elements are not described in the cited reference, nor is their use in keeping with the teaching of Shoji et al. while there exist no known motivation or suggestion for creating them in association with the cited reference.

Therefore, claim 9, 10 should be held *a fortiori* allowable based on the allowability of Claim 2, while in themselves discloses aspects of the invention which are not obvious in view of the cited reference.

Claims 11 - 18. These claims depend from independent claims 3 - 6, which have been shown to be allowable, wherein these claims should be considered *a fortiori* allowable. These claims further expand on the teachings of their respective base claims with elements that are not described in the Shoji et al. '908 reference. Specifically, describing the use of custom tags within the multimedia content records, describing the software engine, and describing the software engine reading the content record containing the custom tag and the creation of a temporary local copy of the content pages for the multimedia content records which have no counterpart in the Shoji et al. reference. These elements are not described in the cited reference, nor is their use in keeping with the teaching of Shoji et al. while they are not suggested, nor does a motivation exist for creating them in the cited reference.

Therefore, claim 11 - 18 should be held *a fortiori* allowable based on the allowability of their respective base claims, while in themselves disclose aspects of the invention which are not obvious in view of the cited reference.

Claim 19. Independent Claim 19 is drawn to the recitations of independent Claim 2 in combination with the use of custom tags within the content records and copying of content pages within the content record, as generally recited in dependent claims 9-10. Applicant respectfully submits that since no adequate support has been shown for the rejection of any of these claims subsumed within Claim 19, that Claim 19 is not obvious in view of the Shoji et al. reference.

Therefore, the aspects of the invention recited in this claim is not described within Shoji et al. '908, and no motivation or suggestion can be found for modifying the reference (which by the way would render Shoji et al. unsuitable for its intended

purpose), wherein the Applicant respectfully requests that the rejection of Claim 19 be immediately withdrawn.

Claim 25. An independent claim drawn to a multimedia delivery engine for the seamless deliver of varied multimedia content. This independent claim recites detailed aspects of the invention, none of which are found in the relied upon reference of Shoji et al. '908.

Col. 5, lines 14 - 67 of the Shoji et al. reference, as relied upon by the Examiner, describe the use of a URL cache. It should be recognized that URL caching (a pointer) is a standard element in browsers and many other applications. This has been incorrectly equated with writing of HTML text content (content, not a pointer) to a temporary cache file. Furthermore, this HTML content contains custom tags, as described in further lines of the claim, the use of custom tags not being described at all by the Shoji et al. reference.

Col. 3, lines 32-34 of the Shoji et al. reference, as relied upon by the Examiner, refer to the types of systems to which Shoji et al. is applicable, and states "Preferably, the servers contain a large database of multimedia content (such as images, audio files, video files, text documents, etc.)" The Examiner utilizes this morsel to support a rejection of the following elements within Claim 25:

- "(c) a custom HTML tag processing routine configured to
 - (i) locate records in said database in response to a custom tag pointing to said database, copy record content to a temporary cache file, and display HTML content of said temporary cache file inclusive of graphics and hyperlinks contained therein,
 - (ii) locate and seamlessly display images located within local storage devices within an illustration window in response to a custom tag directed at local storage resources,
 - (iii) load and run media components according to a custom tag from links or links within database records that may be located in a local storage media or over a network connection, and
 - (iv) load web server-based content according to an additional custom tag;"

That they both deal with media components is certainly not sufficient for equating these aspects of Applicant's invention with that of Shoji et al. It is well known that in

supporting an obviousness rejection that EVERY claim element must be taught or inherent in the combination. The use of content records, custom tags, and copying of content pages is not even described in Shoji et. al. nor is it in any manner inherent to the reference.

Therefore, no support exists for rejecting Claim 25 based on the Shoji et al. '908 reference, and the rejection must be withdrawn.

Claims 26 - 28. These claims depend upon Claim 25 and describe aspects of the multimedia content and multimedia delivery engine. These claims being dependent on a base claim shown to be allowable, should be *a fortiori* considered allowable, while they also disclose elements not found within the Shoji et al. reference. The rejection of these claims should, therefore, be withdrawn.

Claim 29. An independent claim drawn to a method of delivering varied multimedia content. Again, in support of the rejection the detailed elements of Claim 29, describing a form of caching, have been equated to URL caching described within the Shoji et al. reference. This is improper as each claim element must be considered, and rejection requires that the each element be recited or inherent in the reference. Applicant's claim elements recite how custom tags are utilized, specifically for locating records in said database and copying the record content to a temporary cache file which is then displayed. As it has been previously shown that Shoji et al. does not have anything which equates to the content records, or custom tags, or copying of content pages, these claim elements have not been properly considered and are not obvious in view of the Shoji et al. reference.

No support for the rejection is provided for elements of Applicant Claim 29, while other aspects are incorrectly equated with the reference. Therefore, Claim 29 is not obvious in view of Shoji et. al. '908 and Claim 29 along with the claims which depend therefrom should be allowed.

Claims 30-32. These claims depend from independent Claim 29, which has been shown to be allowable, wherein claims 30-32 should be *a fortiori* considered allowable.

It should further be recognized that aspects of Applicant's invention are described in these claims which find no support in the relied-upon reference, for example the statement that the "method does not rely on the execution of individual components of programs which operate independently to display the various media content while not providing for any integration of the applications". The above directly contradicts the teachings of Shoji et al. which utilizes independent program cells (components) held at the same level of priority that are not even connected by execution threads. Shoji et al. by its very intent does not support integration of the applications and the seamless display of multimedia.

Claims 33-36. These claims depend from independent Claim 3, which has been shown to be allowable, wherein claims 33-36 should be *a fortiori* considered allowable.

Claim 37. An independent claim drawn to an apparatus for providing multimedia tutorials. The specific elements of Applicant's claims are generalized and equated to aspects found in the reference.

Shoji et al. is directed at a programming paradigm using programming cells in an egalitarian manner, not to an apparatus for providing multimedia tutorials.

The citations referenced from Shoji et al. '908 describe it as being able to operate with "a large database of multimedia content" (col. 3, lines 32-34), describes the ability to use HTML (col. 1, lines 60-67), that program cells (like independent program modules) can communicate with one another (col. 3, lines 50-55), and that the cell programming can access URLs (col. 4, lines 6-20). These aspects are generally well known and do not obviate Applicant's Claim 37.

It should be recognized that Shoji et al. does not teach the use of multimedia content records, as that term is used in the present invention. The cited reference does not describe a software engine for seamlessly accessing content. The cited reference describes using individual components (cells) which operate independently to display

the media content, whereas the claim specifically recites that Applicant's invention does not rely on such mechanisms.

Clearly, support is lacking for the obviousness rejection of Claim 37, as the elements of Shoji et al. 908 do not equate to the elements of Claim 37. Therefore, the rejection of Claim 37, as well as the claims which depend therefrom, should be immediately withdrawn.

Claims 38-44. Depend from independent Claim 37 which has been shown to be allowable over the cited reference, wherein claims 38-44 should be *a fortiori* considered allowable.

2. Rejection of Claims 20-24 under 35 U.S.C. §103(a).

Claims 20-24 (dependent claims) were rejected under 35 U.S.C. §103 as being unpatentable over (U.S. Patent No. 5,764,908) to Shoji et al. in view of Milne et al. (U.S. Patent No. 6,421,692).

These claims recite with more particularity the aspect of seamless accessing of content records, and depend from independent Claims 1, 2, 3, 4 and 19 respectively. As a consequence of the respective base claims having been shown allowable, claims 20-24 should be *a fortiori* considered allowable and the rejection withdrawn. However, the Applicant would still like to address misconceptions found in the rejection of these claims in reference to the teachings of Shoji et al. '908.

Claims 20-24. These dependent claims specifically recite that "said seamless accessing of content records in said database does not rely on the execution of individual components or programs which operate independently to display the various media content while not providing for any integration of the applications". Conventional programming relies on a different modules for displaying different forms of media, such as controlled by a browser. The resultant multimedia presentation is therefore not "seamless", because these modules operate independently (non-cooperatively). Applicant's invention provides an architecture in which the media elements referred to in the multimedia content records processed by the software engine are displayed seamlessly because independent display programming is not

relied upon.

As the entire paradigm of Shoji et al. '908 is directed at individual cell based programming which operates independently, this deficiency of the rejection cannot be rectified by making a combination without rendering the system of Shoji et al. unsuitable for its intended purpose. Examiner appears to disclaim this interpretation (although logic appears reversed in following statement), indicating that "Shoji does not explicitly indicate that database does not rely on the execution of individual components", however a look at the patent indicates otherwise.

The architecture of Shoji et al. is generally described (col. 10, lines 10 - 15):

"The architecture of the present system is called a "bossless" architecture because every program module is on equal footing with other program modules. There is no module that controls the overall operation of the program (i.e., no boss)."

Shoji et al. recited in Col. 10, lines 30-33:

"Cells are linked together in a novel way in which no history or linkage information needs to be retained. Each link is independent."

Independent display control is explicitly recited in col. 4, lines 29-36:

"Once the image file is obtained from the server, cell CA behaves like a regular cell disclosed in the section entitled "Detailed Description of the DCT". For example, a user can manipulate the cell by linking other cells to it. Some of these linked cells may also obtain its image file from various servers in the Internet. When these cells are launched, they obtain their image (or other) files using the same method described above."

In the above recitations the program modules are individual components as described fitting in with those described in claims 20-24. The above recitation in conjunction with other references, (col. 3, lines 54-55) "... some of the cells generate a display window upon execution" (therefore cells generate displays independently), and other references indicate how in Shoji et al. there is not a single software engine for seamlessly displaying media content as the approach relies upon different cells generating displays and buttons (see also FIG. 2 wherein cells are individually generating separate windows and elements within the windows).

Wherein one cannot change the entire paradigm of Shoji et al. without making it unsuitable for its intended purpose, thus militating against the combination of these references. This proposed combination is contrary to MPEP 2143.01 - "THE PROPOSED MODIFICATION CANNOT RENDER THE PRIOR ART UNSATISFACTORY FOR ITS INTENDED PURPOSE."

Notwithstanding the above, it should be recognized that Shoji et al. no teachings within Shoji et al. '908 address the use of mechanisms that would alleviate the "seam" problem that exists with current multimedia display, such as utilized within tutorials as described within Applicant's present invention.

Although, the above is certainly sufficient to overcome the rejection of claims 20-24, it should be appreciated that the Milne device has few similarities with Applicant's invention, as the teachings of Milne et al. are drawn to a system that provides for the routing of media streams between different presentation elements in a similar manner to the use of patch cables, and are not remotely similar to the concepts and objectives of Applicants claimed invention, or to that of Shoji et al. The Milne et al. '692 reference can not be combined with the teaching of Shoji et al., as the combination would change the principles of operation of Shoji et al., which is contrary to MPEP 2143.01 - "THE PROPOSED MODIFICATIONS CANNOT CHANGE THE PRINCIPLE OF OPERATION OF A REFERENCE. If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious."

A large portion of the material relied upon by the Examiner, within the Milne et al. reference merely provides a background for utilizing object classes and sub-classes, such as found within the C++ programming language or similar OOPL (Object Oriented Programming Language) for real-time routing of media between components, which is not germane to the rejection.

Furthermore, it should be recognized that the device of Milne et al. is not even operating on the same forms of multimedia as recited in the Applicant claims. It should be noted that Milne et al. is directed at operating on media streams and not media files as could be embedded within the records of a database as described by the Applicant. The media streams of Milne et al. are operated upon in real time by the media objects

(software components) which route the streams and may perform real time processing thereupon. See Milne et al. at col. 9, lines 18-24 which reads:

“Each port and port surrogate has a data type associated with it. Examples of types are MIDI data, 44 kHz 16-bit audio data, 22 kHz 8-bit audio data, and graphic data for video. When two ports are asked to connect, a type negotiation protocol insures that the ports are capable of supporting compatible data types. An exception is generated if the ports have no types in common.”

Milne et al. does not teach, suggest or provide motivation or incentive for the use of “database means”, or “database” that contains “multimedia content records”. It similarly lacks any teaching of a “software engine means”, or “software engine” for seamlessly accessing those content records. It cannot be properly combined with Shoji et al. toward obviating Applicant’s invention.

Therefore, the impropriety of combining Milne et al. with Shoji et al. to obviate Applicant’s invention recited in claims 20-24 has been demonstrated, in a number of ways. These dependent claims should, however, have already been considered a *fortiori* allowable in view of the allowability of the base claims to which they depend.

3. Amendment of Drawings.

The Applicant has made a minor amendment to FIG. 1C of the drawings after it was found that reference number 20, referring to the temporary file or cache (page 6, line 18) had been left off of the figure. Reference number 20 is given in the text and from that context one can recognize that the disks are being referred to.

A full set of drawings sheets, including the addition of reference number 20 to FIG. 1C on a replacement sheet is included with this response.

4. Amendment of Specification.

The Applicant has made minor amendments to the specification to (1) correct typographical errors discovered while preparing this response, and (2) to add minor clarification as necessary, for which support is readily found elsewhere in the application.

5. Amendment of Claim 25.

This claim was amended to "seamlessly display images" as described in the application, such as page 5, lines 6-7, and page 10, lines 1-4, which may slightly improve claim understanding.

6. Conclusion.

The Applicant respectfully submits that all pending claims (1-44) within Applicant's invention recite one or more elements not found in the cited reference, or combination, wherein these claims should be immediately allowed.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

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Respectfully submitted,



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